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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,335	06/02/2001	Kenneth J. Susnjara	21172	2887

7590 07/06/2005
 STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
 1615 L STREET, N.W., SUITE 850
 WASHINGTON, DC 20036

EXAMINER

LE, KHANH H

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,335

Applicant(s)

SUSNJARA, KENNETH J.

Examiner

Khanh H. Le

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|---|--|



DETAILED ACTION

1. This Office Action is in response to the original Application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 5-7, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlin, US Patent Publication US 20020093538 A1.**

As to claims 1, 26, Carlin discloses

“A design professional such as an interior designer, furniture sales associate running a browser program at a client computer (i) uses the world wide web to connect to a graphics server computer, and (ii) interactively selects or specifies furnishings or other objects from this server computer and previews the scene and communicates with the server, so as to (iii) receive and display to his or her client a high-fidelity high-quality virtual-reality perspective-view photorealistic image of furnishings or other objects displayed in, most commonly, a virtual representation of an actual room of a client's home. The photorealistic images, optionally

Art Unit: 3622

provided to bona fide design professionals and their clients for free, but typically paid for by the product's manufacturer, promote the sale to

the client of goods which are normally obtained through the graphics service provider's customer's distributor, profiting both the service provider and the design professional. Models, textures and maps of existing objects are built as necessary from object views or actual objects.

Full custom objects,

including furniture and other products not yet built, are readily presented in realistic virtual image. “

As such Carlin discloses

A method of marketing component products to tradesmen engaged in the production of room layouts utilizing said component products, and the sale of said room layouts to consumers, comprising: distributing software to said tradesmen functional in designing said layouts and including advertisements soliciting the sale of a first set of said component products (see at least abstract, [0144]; [0150];[0160],[0161] [0033])

;

receiving electronically over the internet from said tradesmen, orders for the purchase of selected ones of said first set of components (see at least Figs. 3-4 and associated text,);

transmitting electronically over the internet to selected ones of a first set of vendors, orders for the purchase of component products corresponding to said selected ones of said first set of component products ordered by said tradesmen, with instructions to ship said ordered component products to said tradesmen (see at least Figs. 3-4, and associated text; [0160],[0161]);

receiving invoices from said first set of vendors for component products shipped to said tradesmen responsive to purchase orders received by said first set of vendors, and remitting payment thereof to said first set of vendors; and

Art Unit: 3622

invoicing said tradesmen upon confirmation of shipment of said component products by said first set of vendors to said tradesmen (see at least Figs. 3-4, and associated text; [0144]; [0150];[0160],[0161]).

As to claims 5-7,

Carlin discloses said software is functional in producing a three dimensional graphic display of said composite product (a room with pieces of furnishings and accessories) or in producing layout drawings and manufacturing information for the production of said composite product.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-4, 8-25, 27-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin as applied to claims 1 and 26 above, and further in view of well-known facts.**

As to claims 2-4, 9-11, 17-19, 30-32, 37-39, 45-47,56-57 Carlin discloses free software to the designers (see at least abstract). Official Notice is taken that it is well known to provide free

Art Unit: 3622

enhancements, support or training when free software are provided for further customer satisfaction. Thus it would have been obvious to one skilled in the art at the time the invention was made to add free enhancements, support or training to the various software configurations for the above-stated purpose.

As to claims 8 (2nd vendors), 36, 43 (second products being appliances), 54, 55 Carlin discloses interactive targeted selling based on gathering of market data (see at least [0161]), however does not specifically disclose providing advertisements for the sale of a second set of component products of a second set of vendors, in said software.

However, Official Notice is taken that providing more layers of products/services referrals is a well-known marketing tool. It would have been obvious to one skilled in the art at the time the invention was made to add another layer of product marketing to Carlin to promote further sales of related products. (In some claims, the kitchen appliances being the goods from the second set of sellers would have been obvious in the kitchen design/remodeling trade in view of Carlin's teaching of sales of associated products.) Further, as with the first set of advertisers it would have been obvious to one skilled in the art at the time the invention was made to charge said second set of vendors fees for inclusion of said advertisements of said second set of component products in said software before providing the sellers the opportunity to sell their wares as taught by Carlin.

As to claims 12-14, 20-22, 33-35, 40-42, 48-50, 58-59 (specific to router machines and router codes) Carlin discloses said software is functional in producing a three dimensional graphic display of said composite product (a room with pieces of furnishings and accessories) or in producing layout drawings and manufacturing information for the production of said composite product.

As to claims involving router machines and router codes, Official Notice is taken that it is well-known CNC machines are well-known in the cabinetry business and thus it would have been obvious to one skilled in the art at the time the invention was made to

Art Unit: 3622

add router machines and its software code to Carlin to allow cabinetmakers to utilize routers software in the design customization as taught by Carlin.

As to claims 15-16, 44, 51-52 involving the software distributors products Carlin discloses providing, in said software, advertisements for the sale of products of sellers but not specifically those of the distributor of said software. However, that one of the sellers is named the “(software) distributor” does not affect the method step and therefore the limitation is not accorded patented weight. As to the distributors’ products being woodworking machinery including CNC router machines/components, Official Notice is taken that CNC router machines/components are well-known cabinetry machines and therefore it would have been obvious to one skilled in the art at the time the invention was made to add them to Carlin to effect sales of goods associated with such machines in the kitchen design trade.

As to claim 23, Carlin discloses said software is functional in generating information indicating the cost effectiveness in the use of said seller’s products in the production of said composite products (see Carlin, [0159]). That the seller is named the “(software) distributor” does not affect the method step and therefore is not accorded patented weight.

As to claims 24 and 53, Official Notice is taken that it is well-known to have software is functional in generating information making a comparison of benefits obtainable in the use of one seller’s products versus another seller’s products selected by the user. It would have been obvious to one skilled in the art at the time the invention was made to add such software feature to Carlin to show the comparative benefits different purchase options to assist the customers’ decision process (see Carlin, [0159]). Again, that one seller is named the “(software) distributor” does not affect the method step and therefore is not accorded patented weight.

As to claim 25, Carlin discloses combining the invoices of said selected ones of said first set of vendors and generating combined invoices to said producers (see at least [0160]).

Art Unit: 3622

As to claims 27-29,

Carlin does not specifically disclose wherein said room layouts comprise kitchens, the component products comprise hardware including handles, pulls, catches, knobs, hinges, stops or drawer slides or machined wooden products including drawer fronts and door panels.

However Official Notice is taken that it is well-known a most common room in one's home to furnish or remodel is the kitchen and all the above cited components are well-known components of kitchen cabinetry. It would have been obvious to one skilled in the art at the time the invention was made to add kitchens and the above cited associated components to Carlin to effect the teachings of Carlin in the well-practice context of kitchen layout/remodeling.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Altschuler, US 6778971 B1 discloses advertisements soliciting the sale of products associated with a certain computer task

Luke US 6131087, discloses matching/negotiations in online sale of products.

Tozzoli et al., US Patent 5717989, discloses international sales of goods with funder guarantees

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

Art Unit: 3622

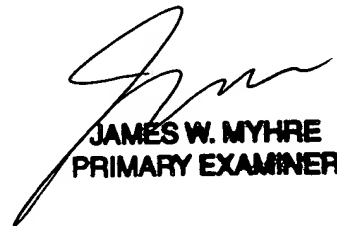
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 14, 2005

KHL

KHL


JAMES W. MYHRE
PRIMARY EXAMINER